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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TABITHA WILLIAMS, a person,

Plaintiff,

vs.

FOREMOST INSURANCE COMPANY  
GRAND RAPIDS MICHIGAN, an insurance  
company,

Defendant.

No. 2:17-cv-01113

**STIPULATED MOTION TO  
CONTINUE TRIAL DATE AND  
AMEND CASE SCHEDULE**

Defendant Foremost Insurance Company Grand Rapids, Michigan (“Foremost”) and Plaintiff Tabitha Williams (collectively the “Parties”) submit this Stipulated Motion to Continue Trial Date and Amend Case Schedule.

**I. INTRODUCTION**

Under the current Case Schedule, trial is set to begin on August 13, 2018. However, counsel for Defendant has another trial scheduled to begin that same week, on August 14, 2018. That matter is *Gallagher v. Fire Insurance Exchange*, in Skagit County Super Court cause number 15-2-01710-4. That *Gallagher* matter has been pending since 2015, has included two unsuccessful mediations, and will be a seven day trial.

1 In addition and in light of this Court's ruling on summary judgment, the Parties also  
2 stipulate to shorten the length of this trial to five (5) days.

3 Accordingly, the Parties stipulate to continue the trial date to September 17, 2018, as well  
4 as the related pre-trial deadlines on the Case Schedule. It is therefore respectfully requested that  
5 the Court amend the Case Schedule for the reasons set forth herein.

## 6 II. STATEMENT OF FACTS

7 Plaintiff commenced this action June 22, 2017, in King County Superior Court. Docket  
8 at 1-2. Defendant Foremost removed this action to United States District Court on July 21, 2017.  
9 Dkt. at 1.

10 Since then, both parties have filed Motions for Partial Summary Judgment. Dkt. at 9 &  
11 21. Plaintiff's Motion for Partial Summary Judgment was granted on October 3, 2017. Dkt. at  
12 18. Defendant Foremost's Motion for Partial Summary Judgment is currently pending before the  
13 Court.

14 Counsel for Defendant Foremost has trial scheduled for a different matter that is set to  
15 begin on the very same week as this matter. Declaration of Eric Neal. That matter is *Gallagher*  
16 *v. Fire Insurance Exchange*, in Skagit County Super Court cause number 15-2-01710-4. Neal  
17 Decl. That case has been ongoing since 2015 and the parties have previously conducted two  
18 unsuccessful mediations. Neal Decl. As a result, it appears that the *Gallagher* matter will proceed  
19 to trial as scheduled. Neal Decl.

20 Plaintiff has agreed to continue the trial date to September of 2018 as a courtesy to  
21 Defendant.

22 For the reasons set forth herein, the Parties respectfully request that the Court amend the  
23 current Case Schedule and continue the trial date to September 17, 2018.

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(4) *Modifying a Schedule.* A schedule may be modified only for good cause and with the judge's consent.

Fed. R. Civ. P. 16(b)(4).

In this case, there is no prejudice to the non-moving party because the Parties have stipulated to amending the Case Schedule. Also, counsel for Defendant has another trial for a much older case that has been noted for the same starting date as this matter.

Case Events	Amended Due Date
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	8/17/2018
Agreed pretrial order due	9/03/2018
Pretrial conference to be schedule by the Court	
Trial Briefs, proposed voir dire questions, jury instructions, neutral statement of the case,	

1 and trial exhibits due

9/10/2018

2 **Trial Date**

**9/17/2018**

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4 **IV. CONCLUSION**

5 Based on the foregoing, it is requested that the Court amend the Case Schedule to continue  
6 the trial date and other related deadlines to September 17, 2018, as presented above.

7  
8 DATED this 9<sup>th</sup> day of April, 2018.

DATED this 9<sup>th</sup> day of April, 2018.

9  
10 LETHER & ASSOCIATES, PLLC

JOEL HANSON, ATTORNEY AT LAW,  
PLLC

11 s/ Thomas Lether

s/ Eric J. Neal

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joel@joelhansonlaw.com  
*Counsel for Plaintiff*

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4 **V. ORDER**

5 Based on the foregoing Stipulation, it is hereby ORDERED that the Case Schedule be  
6 amended to continue the trial date and other related deadlines as follows:

7 <b>Case Events</b>	8 <b>Amended Due Date</b>
9 All motions in limine must be filed by 10 and noted on the motion calendar no 11 later than the THIRD Friday thereafter	8/17/2018
12 Agreed pretrial order due	9/03/2018
13 Pretrial conference to be schedule by the Court	
14 Trial Briefs, proposed voir dire questions, 15 jury instructions, neutral statement of the case, 16 and trial exhibits due	9/10/2018
17 <b>Trial Date</b>	<b>9/17/2018</b>

18 DATED this 10 day of April 2018.

19 

20 RICARDO S. MARTINEZ  
21 CHIEF UNITED STATES DISTRICT JUDGE

22 Presented by:

23 LETHER & ASSOCIATES,  
PLLC

JOEL HANSON, ATTORNEY AT LAW,  
PLLC

s/ Thomas Lether

s/ Joel Hanson

s/ Eric J. Neal

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